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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

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13 ARNOLD WANDEL, individually and on behalf) CASE NO.: CV 08-3543 (SC)
 14 of all others similarly situated,)
 14 Plaintiff,) DEFENDANTS GENENTECH, INC.
 15 v.) AND ARTHUR D. LEVINSON'S
 16 HERBERT W. BOYER, Ph.D., WILLIAM M.) ADMINISTRATIVE MOTION TO
 16 BURNS, ERICH HUNZIKER, Ph.D.,) CONSIDER WHETHER
 17 JONATHAN K.C. KNOWLES, Ph.D., ARTHUR) GOTTDIENER V. LEVINSON, CIV
 17 D. LEVINSON, Ph.D., DEBRA L. REED,) 08-3753 (JL), SHOULD BE
 18 CHARLES A. SANDERS, M.D., GENENTECH,) RELATED PURSUANT TO LOCAL
 18 INC., AND ROCHE HOLDING AG,) RULE 3-12
 19 Defendants.)
 19

20 THIS DOCUMENT RELATES TO:) CASE NO.: CV 08-3753 (JL)

21 ERNEST GOTTDIENER, on behalf of himself)
 21 and all others similarly situated,)
 22 Plaintiff,)
 23 v.)
 24 ARTHUR D. LEVINSON, Ph.D., CHARLES A.)
 24 SANDERS, M.D., JONATHAN K.C.)
 25 KNOWLES, Ph.D., WILLIAM M. BURNS,)
 25 ERICH HUNZIKER, Ph.D., HERBERT W.)
 26 BOYER, Ph.D., DEBRA L. REED,)
 26 GENENTECH, INC. and ROCHE HOLDING)
 27 AG,)
 27 Defendants.)
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DEFENDANTS GENENTECH. & LEVINSON'S ADMIN. MOTION
 TO CONSIDER WHETHER GOTTDIENER V. LEVINSON, CIV 08-
 3753 (JL), SHOULD BE RELATED PURSUANT TO L.R. 3-12
 Case No. CV 08-3543

1 _____)
 2 Pursuant to Local Rule 3-12, Defendants Genentech, Inc. and Arthur D. Levinson
 3 respectfully submit this administrative motion to consider whether *Ernest Gottdiener v. Arthur*
 4 *D. Levinson, et al.*, Case No. CIV 08-3753 (JL), a putative class action lawsuit filed on August 5,
 5 2008, should be related to *Arnold Wandel v. Herbert W. Boyer, Ph.D., et al.*, Case No. CIV 08-
 6 3543 (SC), filed on July 23, 2008.

7 Local Rule 3-12(a) provides that actions are related when:

8 (1) The actions concern substantially the same parties, property, transaction or event;
 9 and
 10 (2) It appears likely that there will be an unduly burdensome duplication of labor and
 11 expense or conflicting results if the cases are conducted before different Judges.

12 The *Gottdiener* and *Wandel* actions satisfy these criteria.¹ Each case is a proposed class
 13 action on behalf of owners of securities of Genentech, Inc., and concerns Roche's proposed
 14 purchase of all outstanding Genentech shares. Both cases are brought against the same nine
 15 defendants (Genentech, Inc., Roche A.G., and Genentech's directors), and allege breaches of
 16 fiduciary duties. On August 22, 2008 this Court granted a similar motion in this action, relating
 17 *John P. McCarthy Profit Sharing Plan v. Genentech, Inc., et al.*, Case No. CIV 08-3720 (JCS) to
 18 the *Wandel* action.

19 Dated: August 28, 2008

20 Respectfully submitted,

21 WILSON SONSINI GOODRICH & ROSATI
 Professional Corporation

22
 23 By: _____ /s/
 24 Ignacio E. Salceda

25 Attorneys for Defendants
 26 GENENTECH, INC. AND ARTHUR D.
 LEVINSON

27 _____
 28 ¹ Copies of the two complaints are attached to the accompanying Declaration of Ignacio E.
 Salceda as Exhibits A and B.